

# FIFTH COURT OF APPEALS

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**05-19-00280-CR**

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*Ex parte Christopher Rion*

FILED IN  
5th COURT OF APPEALS  
DALLAS, TEXAS

06/25/2019 4:12:59 PM

LISA MATZ  
Clerk

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**On Appeal from Crim. Dist. Ct. No. 5 Dallas County  
No. WX18-90101**

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## **Appellant's Motion to Extend the Time to File the Appellant's Brief (requesting six additional days)**

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**Attorney for Appellant**

**To the Honorable Justices of the Court of Appeals:**

Attorney for Appellant files this motion to extend time to file the Appellant's Brief [*See* Tex. Rule App. Proc. 10.5(b) and 38.6(c)]:

1. The case below is styled *State v. Rion*, No. WX18-90101 (Crim. Dist. Ct. No. 5).

2. This is an appeal of the denial of a pretrial application for writ of habeas corpus from double jeopardy filed by Appellant.

3. Appellant is **not** incarcerated. He is on bond.

4. The case below is stayed pending the outcome of this appeal. (CR.708).

5. The clerk's record was filed on March 20, 2019. The supplemental clerk's record was filed on May 31, 2019.

6. The reporter's record (exhibits) was filed on March 8, 2019.

7. This case was reinstated on June 4, 2019.

8. The Appellant's Brief is due on **June 25, 2019**.

9. Attorney for Appellant requests an extension of **six days** until **July 1, 2019** to file the Appellant's Brief.

10. This is the **first motion** for an extension of time to file the Appellant's Brief.

11. Attorney for Appellant relies on the following facts as good cause for the requested extension: Attorney for Appellant is working on an appellant's brief

in *McDaniel v. State*, No. 10-18-00353-CR (Tex.App.-Waco). This appellant received four consecutive 25-year sentences. Attorney for Appellant did **not** receive the entire record on appeal until Monday, May 6, 2019. That record contains 25 volumes of the reporter's record and one volume of the clerk's record. The record on appeal is massive at about 5,449 pages plus audio files. This record will take additional time to analyze, and nine issues have been identified. This brief has taken a considerable amount of time to draft and finalize.

12. Attorney for Appellant has also been working on numerous other cases including appeals, trial preparation, investigations in habeas corpus cases, and four death penalty cases (state and federal habeas corpus). One is an application for a writ of habeas corpus under Tex. Code Crim. Proc. Art. 11.071 that Attorney for Appellant continues to investigate in *Ex parte Hudson*, No. 3CR-16-32585 (3rd Dist. Ct. Anderson Co.), No. WR-88,225-01 (Tex.Crim.App.). This is a complex death penalty case involving the deaths of six persons and has required extensive investigation and thus a lot of Attorney for Appellant's time.

13. Another case that continues to take a significant amount of Attorney for Appellant's time is *State v. Guyger*, No. F18-00737 (204th Dist. Ct. Dallas Co.), which is the officer-involved shooting that occurred in September 2018 and is set for voir dire on September 6, 2019 and trial on September 23, 2019.

14. On June 13, 2019, Attorney for Appellant filed the PDR in *Ghanbari v.*

*State*, No. PD-0498-19 (Tex.Crim.App.). On June 23, 2019, Attorney for Appellant filed the PDR in *Gilbert v. State*, No. PD-0496-19 (Tex.Crim.App.).

15. And on June 24, 2019, Attorney for Appellant filed a motion to suppress evidence in *Jordan v. State*, Nos. 2-19-0261, 2-19-0261, 2-19-0261, and 2-18-0638 (382nd Dist. Ct. Rockwall County), a complex multi-warrant case due to be litigated on July 2, 2019.

16. Attorney for Appellant also has these briefs, petitions, or motions due soon:

- PDR in *Gonzales v. State*, No. PD-0497-19 (Tex.Crim.App.) due June 27, 2019
- Appellant's Brief in *Windham v. State*, No. 02-19-00063-CR (Tex.App.-Fort Worth) due on July 8, 2019
- Appellant's Brief in *Griffin v. State*, No. 02-19-00020-CR (Tex.App.-Fort Worth) due on July 19, 2019

17. Attorney for Appellant has begun drafting the Appellant's Brief in this case. However, he needs the additional time to complete his research and analyses and ultimately complete the brief. The additional six days sought is reasonable.

18. Attorney for Appellant has the responsibility to provide Appellant with the effective assistance of appellate counsel, *see Evitts v. Lucey*, 469 U.S. 387, 392 (1985), and believes that that the additional time is necessary to provide such effective appellate counsel.

19. The State will not be prejudiced by this request.

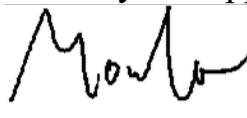
20. This Motion is not filed for purposes of delay, but so that justice may be served.

**Prayer**

Attorney for Appellant prays that this Court grant this motion to extend time to file the Appellant's Brief

Respectfully submitted,

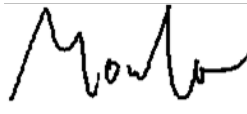
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**/s/ Michael Mowla**  
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**Certificate of Service**

I certify that on June 25, 2019, a copy of this document was served on the Dallas County District Attorney's Office, Appellate Division, 133 N. Riverfront Boulevard, Dallas, Texas 75207 by Texas efile to [brian.higginbotham@dallascounty.org](mailto:brian.higginbotham@dallascounty.org) and [DCDAAppeals@dallascounty.org](mailto:DCDAAppeals@dallascounty.org).



**/s/ Michael Mowla**  
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